

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

April 24, 2006

In the Matter of
Boston Sand & Gravel

Docket No. 2006-033
File No. PAN-NE-06-6W001
Everett

RECOMMENDED FINAL DECISION

This matter is an appeal of a Notice of Intent to Assess a Civil Administrative Penalty (PAN-NE-06-6W001) issued by MassDEP to Boston Sand & Gravel Company. On March 2, 2006, Boston Sand & Gravel Company requested an adjudicatory hearing.

On April 19, 2006, this office received a letter from the petitioner requesting that this appeal be dismissed as the Northeast Regional Office of MassDEP rescinded the PAN by letter dated March 20, 2005. Based on the Department's rescission of the PAN and the petitioner's intent to withdrawal its appeal and request that it be dismissed, I recommend this appeal be dismissed as moot, pursuant to 310 CMR 1.01(5)(a) 2 and 310 CMR 1.01(6)(a)15.f.iii.

NOTICE

This is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to

Superior Court pursuant to M.G.L. c.30A. The Commissioner's final decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any portion of it, and no party shall communicate with Commissioner's office regarding this decision unless the Commissioner in his sole discretion, directs otherwise.

**This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.**

Ann Lowery
Presiding Officer

Adopted by Commissioner Robert W. Golledge, Jr., April 26, 2006.